IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Contempt Petition No. 141 of 2007

1. Ghasita S/o late Sri Kanha, R/o Rasoolpur Meethiberi, Tehsil and District Haridwar, through its power of attorney holder.
2. Nazar Hasan S/o Sri Shakhawat Hussain, R/o Village Laldhang, Tehsil and District Haridwar. .....Petitioners

Vs

1. Sri Uttam Singh Chauhan, Tehsildar Haridwar, District Haridwar.
2. Sri Sunder Singh Tomar, Nayab Tehsildar Pherupur Haridwar, District Haridwar.

...Respondents

Sri Ajay Veer Pundir, learned counsel for the petitioner.

Hon'ble B.S. Verma , J.

Heard Sri Ajay Veer Pundir, learned counsel for the petitioner.

By means of this contempt petition, petitioners has prayed to punish the respondents for flouting the order passed by this Court in Writ Petition No. 368 of 2007 (M/S) Ghasita and another Vs. Collector, Haridwar on 8-5-2007.

On 8-5-2007, this Court passed an order that "*Accordingly, the respondent Nos. 3 and 4 are directed to decide the mutation Case No.755 of 2005, under Section 34/35 of the Land Revenue Act, Ghasita Vs. Smt. Ravinder pending for disposal before the respondent No.4 expeditiously, preferable within a period of six months from the date of production of certified copy of this order*"

The respondent Nos.4 Naib Tehsildar Pherupur, Haridwar has stayed. The proceedings of the said mutation case during the pendency of the appeal before the Commissioner, which was filed by the

State against the order dated 17-102003 passed in Suit No.52 of 2003 under Section 166/167 U.P.Z.A. and L.R. Act State Vs. Jagiro Devi and others.

Learned counsel for the petitioner has vehemently urged that the mutation proceedings are summary in nature that cannot be stayed. When he purchased the land there was no proceedings pending before the Commissioner in appeal. The appeal has been filed long delay in the year 2007.

It is pertinent to mention here that it is not a subject matter of contempt proceedings. If the petitioner is aggrieved by the order passed by the respondent No.4 Naib Tehsildar Pherupur, Haridwar he may assail the order before the Commissioner by filing revision.

With the said observation, the contempt petition is dismissed in limine.

(B.S. Verma,J)

Dated:- 10-7-2007
M.K.